

**Minutes from LPAG/DBSCC Legislation Drafting Meeting**  
**Tuesday April 7, 2015**  
**2 pm- 4pm**  
**Colorado Educational Association – 1500 Grant Street**

**Color key for these minutes:**

Red: Remove language

Blue: Reference to other statutes that will be checked by Jerry Payne

Green: New language

**Attendees:**

LPAG: Bob Gall (joined at 2:30) Robert Juchem (chair), TH Mack, Sr., Gina Robinson, and Maren Rubino

DBSCC: Donna Downing, David Henninger, and Kristin Rozansky

LPAG/DBSCC Liaison: Mark Simon

Attorney General's Office: LeeAnn Morrill

Governor's Office: Zach Pierce

Office of Legislative Legal Services: Jerry Payne

Community Members: Dawn Howard – Colorado Cross Disabilities Coalition

Facilitator: Marty Zimmerman, ZIM Consulting

**The meeting was called to order at 2:04 pm.**

Marty explained the process for drafting the legislation.

- Meetings will occur on April 7, 9 and 10 to address to key topics.
- On Friday afternoon, April 10<sup>th</sup> either draft legislation or key components of the legislation will be sent out to all interested parties for feedback and comment no later than Monday, April 13 at noon.
- One final meeting will occur on Tuesday April 14 to reconcile the feedback from the comments. The final version will be sent to LPAG and DBSCC on Tuesday April 14.
- DBSCC and LPAG will call emergency meetings on Wednesday April 15 to vote on the legislation.
- The Legislation will be finalized and presented to the Legislature on Friday April 17.

Mark explained that we already have sponsors for the bill and assurances that the bill will be heard.

Discussion ranged about the purpose of the DBSCC and how to ensure that a new structure is created instead of transplanting the LPAG structure to the DBSCC. In order to do this, the attendees reviewed the LPAG legislation. All references will be checked and updated by Jerry. Additionally, the LPAG legislation discussed below would move from Section 42 to Section 24.

**Section 42-1-401. Definitions**

Remove:

- As used in this part 4, unless the context otherwise requires:
- (1) "Group" means the license plate auction group created in [section 42-1-403](#).

Maintain:

(2) "Registration number" means the unique combination of letters and numbers assigned to a

vehicle by the department under [section 42-3-201](#) and required to be displayed on the license plate by [section 42-3-202](#).

Modify:

(3) "Vehicle" means a vehicle required to be registered pursuant to [part 1 of article 3 of this title](#).

#### **Section 42-1-402. License to buy and sell selected registration numbers for license plates**

Maintain:

- The state or a person may sell, and the state or a person may purchase, the exclusive right to use a registration number selected by the group under [section 42-1-404](#) for the purpose of registering a vehicle [under article 3 of this title](#).

(2) The right to use a registration number is a license, the use of which is subject to compliance [with this part 4](#). The duration of the license is determined by the group.

*Comment: The group decided not to add in a part that said "not to exceed."*

#### **42-1-403. License plate auction group**

Remove:

- (1) The license plate auction group is hereby created within the office of the governor.
- (2) The group consists of eleven members, appointed as follows:
  - (b) One member who is appointed by the governor to represent persons with disabilities and who is not a member of the Colorado advisory council for persons with disabilities;
  - (c) One member appointed by the president of the senate to represent persons with disabilities;
  - (d) One member appointed by the Colorado advisory council for persons with disabilities;
  - (g) One member appointed by the chief information officer appointed under [section 24-37.5-103, C.R.S.](#);
  - (h) Three members appointed by the governor to represent the public; and
  - (i) One member appointed by the governor to represent an entity delivering services under [section 24-30-2205, C.R.S.](#)
- (3) An act of the group is void unless a majority of the governing body votes for the act.
- (4) The members of the group serve at the pleasure of the appointing entity.
- (5) The group has the following duties and powers:
  - (b) To sue and be sued and otherwise assert or defend the group's legal interests;
  - (c) To acquire office space, equipment, services, supplies, and insurance necessary to carry out the purposes of this part 4;
  - (d) To accept any gifts, grants, and loans of money, property, or other aid from the federal government, the state, any state agency, or any other source if the group complies with this part 4 and part 13 of article 75 of this title;
  - (e) To have and exercise all rights and powers necessary or incidental to, or implied from, the specific powers granted in this part 4;
  - (f) To fix the time and place at which meetings may be held;
  - (g) To elect a member as executive director of the group and other officers;
  - (h) To hire employees and professional advisers as needed;
  - (j) To make business decisions to implement this part 4;

- (m) To certify that a portion of the purchase price of a registration number is a charitable donation because it exceeds the market value of the registration number if the group reimburses the general fund for any tax credit authorized under section 39-22-535, C.R.S., from the sale.
- (6) The attorney general is the legal counsel for the group.

Maintain:

- (5) The group has the following duties and powers:
  - (a) To adopt and use a seal and to alter the same at its pleasure
  - (k) To create incentives for holders to turn in currently issued registration numbers for auction if any actual costs are reimbursed to the state from the sale;

Modify:

- (2) The group consists of eleven members, appointed as follows:
  - (a) One member who is appointed by the executive director of the department of revenue **and who is not a member of the Colorado advisory council for persons with disabilities created in section 24-45.5-103, C.R.S. will serve as an ex officio member of the committee;**
  - (e) One member **with a background in economic development who is recommended by appointed** by the director of the Colorado office of economic development **and will also serve as an ex officio officer.**
  - (f) One member appointed by the chief of the Colorado state patrol **who will serve as an ex officio officer.**
- (5) The group has the following duties and powers:
  - (i) To authorize an auctioneer or other seller of a registration number to retain a commission **of no more than twenty percent of the sale price; on the sale of higher value license plates. The DBSCC will determine reasonable commission amounts and fees from these sellers. The DBSCC is also authorized to sell lower value plates outright. The DBSCC will determine which plates are considered higher value and lower value plates.**

#### **Discussion areas to still be determined:**

- (5) The group has the following duties and powers:
  - (l) To authorize and sell license plates made of alternative materials if approved by the department;

Comments:

- Alternative materials are not currently offered in Colorado
- There is a company out of state that makes them
- There might be additional financial and safety issues affecting law enforcement if special plate types are allowed
- Is there a benefit? There is no clear one that was communicated
- There might be TABOR issues with the DMV if we go down this path
- Someone is more likely to go for an embossed plate.
- The DOC has a \$300 - \$500 machine set up fee to create special plates.
- Do we want to add an additional fee structure as plate add ons?

**The meeting concluded at 3:59 pm.**